

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

MATTHEW L. BEVERLY,

Plaintiff,

V.

STEPHEN P. BEVERLY, et al.,

Defendants.

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5:11-CV-0256-JHH-PWG

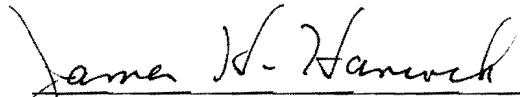
ORDER

The magistrate judge filed a report and recommendation on May 16, 2011, recommending that the plaintiff's claims against Stephen P. Beverly, Chriss Doss, and Circuit Court Clerk Mary H. Harris be dismissed. It was further recommended that plaintiff's claim that he was denied due process against Kimberly A. Melton be referred to the magistrate judge for further proceedings. The plaintiff filed objections to the report and recommendation on May 24, 2011.

The plaintiff reiterates the allegations he made in his initial complaint and argues that Attorney Chriss Doss should not be dismissed as a defendant because he profited from the actions of the clerks. The plaintiff also argues that Clerk Mary Harris should not be dismissed because she “cannot be immune to conspiracy or acting in concert with other persons under color of state law.” The plaintiff does not explain with whom Harris conspired or provide any details of the conspiracy, he merely states that she substituted two copies of a page into the record and removed two pages. The plaintiff does not provide any support for his allegation that falsified documents were inserted into the court record.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the magistrate judge's recommendation is ACCEPTED. It is therefore ORDERED, ADJUDGED, and DECREED that all of plaintiff's claims in this action except his claim that he was denied due process against Kimberly A. Melton are DISMISSED pursuant to 28 U.S.C. § 1915A(b). It is further ORDERED that the due process claim against Kimberly Melton is REFERRED to the magistrate judge for further proceedings.

DATED this 2nd day of JUNE, 2011.

A handwritten signature in cursive script, reading "James H. Hancock", written over a horizontal line.

JAMES H. HANCOCK
SENIOR UNITED STATES DISTRICT JUDGE